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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	2:11-CR-250-MMD-(CWH)
	)	
RHYN EMIL CAMPBELL, and	)	
PHILLIP BERRY,	)	
	)	
Defendants.	)	

**UNITED STATES OF AMERICA'S NOTICE THAT ITS INTERESTS AND RIGHTS  
EXPIRED IN UNITED STATES CURRENCY LISTED IN THE PRELIMINARY ORDER  
OF FORFEITURE, AMENDED PRELIMINARY ORDER OF FORFEITURE, AND FINAL  
ORDERS OF FORFEITURE**

The United States of America, by and through Daniel G. Bogden, United States Attorney for the District of Nevada, and Daniel D. Hollingsworth, Assistant United States Attorney, respectfully notifies this Honorable Court that its interests and rights in the following property expired pursuant to Title 21, United States Code, Section 853(h):

1. \$1,000 in United States Currency.

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This Notice is made and is based on the papers and pleadings on file herein and the attached Memorandum of Points and Authorities.

A proposed order is submitted with this Notice.

Dated this 17th day of October, 2013.

DANIEL G. BOGDEN  
United States Attorney

/s/ Daniel D. Hollingsworth  
DANIEL D. HOLLINGSWORTH  
Assistant United States Attorney

1                                   **MEMORANDUM OF POINTS AND AUTHORITIES**

2           A Five-Count Criminal Indictment was returned against Rhyn Emil Campbell (“Campbell”)  
3 and Phillip Berry (“Berry”) on July 6, 2011. Criminal Indictment, ECF No. 1. Campbell pled guilty  
4 to Count Four of the Criminal Indictment (ECF No. 1) on November 26, 2012. Change of Plea  
5 Minutes, ECF No. 68; Plea Memorandum, ECF No. 69. Berry pled guilty to Count One of the  
6 Criminal Indictment (ECF No. 1) on November 29, 2012. Change of Plea Minutes, ECF No. 72;  
7 Plea Memorandum, ECF No. 74. This Court entered the Preliminary Order of Forfeiture as to Berry  
8 (ECF No. 73) on November 29, 2012; the Amended Preliminary Order of Forfeiture as to Campbell  
9 (ECF No. 76) on February 28, 2013; the Final Order of Forfeiture as to Berry (ECF No. 85) on  
10 March 25, 2013; and the Final Order of Forfeiture as to Campbell (ECF No. 90) on June 5, 2013,  
11 which listed the following property:

- 12                   1.       \$1,000.00 in United States Currency;  
13                   2.       a Ruger, model P95, 9mm handgun, bearing serial number 315-35753; and  
14                   3.       any and all ammunition.

15           The United States of America (“United States”) does not have custody of the \$1,000 in  
16 United States Currency listed in the Preliminary Order of Forfeiture as to Berry (ECF No. 73), the  
17 Amended Preliminary Order of Forfeiture as to Campbell (ECF No. 76), the Final Order of  
18 Forfeiture as to Berry (ECF No. 85), and the Final Order of Forfeiture as to Campbell (ECF No. 90).

19           The United States’ forfeited interests and rights in the \$1,000 in United States Currency  
20 listed in the Preliminary Order of Forfeiture (ECF No. 73), Amended Preliminary Order of  
21 Forfeiture (ECF No. 76), and Final Orders of Forfeiture (ECF Nos. 85 and 90) have expired. “Any  
22 property right or interest not exercisable by, or transferrable for value to, the United States shall  
23 expire and shall not revert to the defendant . . .” Title 21, United States Code, Section 853(h); Title  
24 18, United States Code, Section 1963(f); *see also United States v. Conner*, 603 F. Supp.2d 890, 896  
25 (W.D. Va. 2009).

26 . . .

1 Based on the foregoing, this Court should enter an order indicating (a) the United States'  
2 interests and rights in the \$1,000 in United States Currency listed in the Preliminary Order of  
3 Forfeiture (ECF No. 73), Amended Preliminary Order of Forfeiture (ECF No. 76), and Final Orders  
4 of Forfeiture (ECF Nos. 85 and 90) have expired; and (b) the \$1,000 in United States Currency listed  
5 in the Preliminary Order of Forfeiture (ECF No. 73), Amended Preliminary Order of Forfeiture  
6 (ECF No. 76), and Final Orders of Forfeiture (ECF Nos. 85 and 90) will not revert back to the  
7 defendants and/or any persons acting in concert with them and/or on their behalf.

8 Dated this 17th day of October, 2013.

9 DANIEL G. BOGDEN  
10 United States Attorney

11 /s/ Daniel D. Hollingsworth  
12 DANIEL D. HOLLINGSWORTH  
13 Assistant United States Attorney  
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1 **PROOF OF SERVICE**

2 I, Michelle C. Lewis, certify that the following individuals were served the within and  
3 foregoing **UNITED STATES OF AMERICA’S NOTICE THAT ITS INTERESTS AND**  
4 **RIGHTS EXPIRED IN THE UNITED STATES CURRENTLY LISTED IN THE**  
5 **PRELIMINARY ORDER OF FORFEITURE, AMENDED PRELIMINARY ORDER OF**  
6 **FORFEITURE, AND FINAL ORDERS OF FORFEITURE** on October 17, 2013, by the below-  
7 identified method of service:

8 CM/ECF:

9 Robert M. Draskovich, Jr.  
10 Robert M. Draskovich, Chtd.  
11 815 S. Casino Center  
12 Las Vegas, NV 89101  
13 Email: emagana@draskovich.com  
14 *Attorney for Rhyn Emil Campbell*

15 James Hartsell  
16 Law Offices of James Hartsell  
17 720 S. 4th St., Suite 1000  
18 Las Vegas, NV 89101  
19 Email: james@hartselllaw.com  
20 *Attorney for Phillip Berry*

21 /s/ Michelle C. Lewis  
22 MICHELLE C. LEWIS  
23 Paralegal Specialist  
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6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA, )  
9 Plaintiff, )  
10 v. ) 2:11-CR-250-MMD-(CWH)  
11 RHYN EMIL CAMPBELL, and )  
12 PHILLIP BERRY, )  
13 Defendants. )

14 **ORDER**

15 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the United States of  
16 America's interests and rights expired in the \$1,000 in United States Currency listed in the  
17 Preliminary Order of Forfeiture (ECF No. 73), Amended Preliminary Order of Forfeiture (ECF No.  
18 76), and Final Orders of Forfeiture (ECF Nos. 85 and 90).

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the \$1,000 in United  
20 States Currency listed in the Preliminary Order of Forfeiture (ECF No. 73), Amended Preliminary  
21 Order of Forfeiture (ECF No. 76), and Final Orders of Forfeiture (ECF Nos. 85 and 90) will not  
22 revert back to the defendants and/or any persons acting in concert with them and/or on their behalf.

23 IT IS SO ORDERED:

24 

25 UNITED STATES DISTRICT JUDGE

26 DATED: October 18, 2013